

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JASON ALFORD, DANIEL LOPER, WILLIS
MCGAHEE, MICHAEL MCKENZIE, JAMIZE
OLAWALE, ALEX PARSONS, ERIC SMITH,
CHARLES SIMS, JOEY THOMAS, and LANCE
ZENO, Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

vs.

THE NFL PLAYER DISABILITY & SURVIVOR
BENEFIT PLAN; THE NFL PLAYER
DISABILITY & NEUROCOGNITIVE BENEFIT
PLAN; THE BERT BELL/PETE ROZELLE NFL
PLAYER RETIREMENT PLAN; THE
DISABILITY BOARD OF THE NFL PLAYER
DISABILITY & NEUROCOGNITIVE BENEFIT
PLAN; LARRY FERAZANI; JACOB FRANK;
BELINDA LERNER; SAM MCCULLUM;
ROBERT SMITH; HOBY BRENNER; and
ROGER GOODELL,

Defendants.

Case No. 1:23-cv-00358-JRR

PLAINTIFFS' LOCAL RULE 104.7 CERTIFICATE OF CONFERENCE

I, BENJAMIN R. BARNETT, certify as follows:

1. I am a partner in the law firm of Seeger Weiss LLP and am admitted to practice in the State of Maryland, the Commonwealth of Pennsylvania, and the District of Columbia. I am also admitted to this Court. I am one of the counsel representing Plaintiffs in the above-captioned action.

2. On August 28, 2024, Plaintiffs served their First Set of Requests for Production of documents on Defendants and First Set of Interrogatories (collectively, "Plaintiffs' Discovery Requests").

3. On September 27, 2024, Defendants served their Responses and Objections to Plaintiffs' Discovery Requests.

4. The parties met and conferred via video conference concerning Plaintiffs' Discovery Requests and Defendants' Response and Objections thereto on October 10, 2024 and October 17, 2024.

5. By email on October 25, 2024, the parties agreed to a mutual thirty-day extension of the deadline under District of Maryland Local Rule ("Local Rule") 104.8(a) for the service of motions to compel discovery.

6. The parties also conferred concerning Plaintiffs' Discovery Requests and Defendants' response and objections thereto by exchanging emails, including but not limited to emails, on October 25, 2024 and November 15, 2024.

7. On November 26, 2024, Plaintiffs served upon Defendants, pursuant to Federal Rule of Civil Procedure 37(a) and Local Rules 104.7 and 104.8, Plaintiffs' Motion to Compel Discovery ("Motion to Compel"), supporting memorandum of law, supporting declaration and exhibits thereto, and a proposed order.

8. At 11:59 p.m. on December 10, 2024, Defendants served their memorandum and four declarations (and exhibits thereto) in opposition to the Motion to Compel.

9. On December 20, 2024, Plaintiffs served their reply memorandum and a reply declaration in further support of the Motion to Compel on Defendants.

10. On December 23, 2024, the parties met and conferred via Zoom concerning the Motion to Compel. The following attorneys were present on this meet-and-confer: Benjamin R. Barnett, Caleb A. Seeley, Samuel L. Katz, and Julia M. Damron for Plaintiffs, and Gregory F. Jacob, Meredith N. Garagiola, and Katie DeMallie for Defendants. Also present was paralegal Alexandra Arteaga of Seeger Weiss LLP.

11. Despite their good faith efforts, the parties are still at an impasse as to issues raised in the Motion to Compel.

12. As such, the following issues require resolution by the Court, which are described in greater detail in Plaintiffs' opening memorandum, Defendants' opposition memorandum, and Plaintiffs' reply memorandum:

- a. Whether Defendants should be compelled to produce all of the documents that Plaintiffs seek in Plaintiffs' First Set of Requests to Defendants for Production of Documents, Nos. 2 and 3 (namely, decision letter and physician reports for all benefits claimants for the period April 1, 2018 to February 0, 2023);
- b. Whether Plaintiffs are entitled to discovery outside the named Plaintiffs' Administrative Records with respect to Plaintiffs' breach of fiduciary duties and wrongful denial of benefits claims.

13. The Parties respectfully request a hearing of and decision on the Motion to Compel pursuant to Local Rules 104.7 and 104.8.

Dated: December 26, 2024

Respectfully submitted,

SEEGER WEISS LLP

By: /s/ Benjamin R. Barnett
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